

Notice of Allowability

Application No.

09/294,617

Examiner

Chuck O. Kendall

Applicant(s)

JENNINGS ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/16/05.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TUAN DAM
SUPERVISORY PATENT EXAMINER

Reasons for Allowance

1. Examiner has reviewed and considered Applicant's comments as indicated on pages 9 – 10 of Applicants amendment dated 11/16/2005, and further review of Applicant's arguments, Examiner is hereby placing claims 1 – 33 in condition for allowance.

The following is an Examiner's statement of reasons for allowance.

The prior art of record does not teach or fairly suggest at least:

A method and system, " for emulating the execution of a target program comprising object code instructions of a native machine instruction set of a target computer on a host computer having a different native machine instruction set, said method comprising;

performing a static translation of the object code instructions of the target program into a series of instructions of an intermediated instruction set, that is not native machine instruction set of the host computer the intermediate instruction set being optimized for interpretation on the host computer; and thereafter

executing the series of instructions of the intermediate instruction set by interpretation on the host computer using interpretation ", as best illustrated by figure 1, and in such a manner as recited in independent claims 1,9,19, and 27and as pointed out in Applicant's amendment (11/16/2005) on pages 9 - 10.

“... a code translator that performs a static translation of the instructions of the target program into a series of instructions of an intermediate instruction set, the intermediate instruction set being optimized for interpretation on the host computer; and an interpreter that executes the series of instructions of the intermediate instruction set by interpretation on the host computer, wherein the code translator runs as a user mode process under control of a host operation system on the host computer, and wherein the interpreter runs as a kernel mode driver thread under the host operating system”, as best illustrated by figure 1, and in such a manner as recited in independent claims 32 and as pointed out in Applicant’s amendment (11/16/2005) on pages 9 - 10.

“... a code translator that performs a static translation of the instructions of the target program into a series of instructions of an intermediate instruction set, the intermediate instruction set being optimized for interpretation on the host computer; and an interpreter that executes the series of instructions of the intermediate instruction set by interpretation on the host computer, wherein the emulation system may comprise multiple instances of the interpreter each running as a different thread in the kernel space of the host operating system”, as best illustrated by figure 1, and in such a manner as recited in independent claims 33 and as pointed out in Applicant’s amendment (11/16/2005) on pages 9 - 10.

Therefore, claims 1 – 33 are in condition for allowance.


2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.



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